

AO 133

(Rev. 9/89) Bill of Costs

APPENDIX R

UNITED STATES DISTRICT COURT

Eastern

District of

Pennsylvania

William A. Graham Company
d/b/a The Graham Company

BILL OF COSTS

V.
Thomas P. Haughey and
USI MidAtlantic, Inc.

Case Number: 05-CV-612-HB

Judgment having been entered in the above entitled action on June 27, 2006 against Defendants,
Date
the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ <u>250.00</u>
Fees for service of summons and subpoena	<u>4,612.00</u>
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	<u>42,167.08</u>
Fees and disbursements for printing	<u>129,948.50</u>
Fees for witnesses (itemize on reverse side)	<u>3,703.36</u>
Fees for exemplification and copies of papers necessarily obtained for use in the case	<u>158,581.51</u>
Docket fees under 28 U.S.C. 1923	<u>--</u>
Costs as shown on Mandate of Court of Appeals	<u>--</u>
Compensation of court-appointed experts	<u>--</u>
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	<u>--</u>
Other costs (please itemize)	<u>-2,000.00</u>
TOTAL	\$ <u>337,262.45</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: Counsel for Defendants, Thomas ZemaitisSignature of Attorney: Name of Attorney: David J. WolfsohnFor: William A. Graham Company

Name of Claiming Party

Date: Oct. 10, 2006

Costs are taxed in the amount of _____ and included in the judgment.

Clerk of Court

By: _____
Deputy Clerk

Date

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
see attached							
					TOTAL		

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

“Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day’s notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court.”

Rule 6(e)

“Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.”

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."

Fees of the Court Reporter (See Exhibit B)

Date	Service	Cost
06/10/05	Kafer Deposition	\$848.25
06/13/05	Remig Deposition	\$1,165.45
06/15/05	McKernan Deposition	\$2,001.80
06/17/05	Gallelli Deposition	\$787.65
06/23/05	Haughey Deposition	\$1,749.85
06/23/05	Haughey Deposition	\$76.00
06/24/05	Jones Deposition	\$910.40
07/12/05	Tiagwad Deposition	\$397.50
07/18/05	Graham Deposition	\$1,096.50
07/22/05	DeMeno Deposition	\$1,482.85
07/28/05	McGinley Deposition	\$868.55
07/29/05	Roberts Deposition	\$1,747.35
07/30/05	Haughey Deposition	\$1,293.70
11/09/05	Jones Deposition	\$466.90
11/10/05	Swanson Deposition	\$1,991.40
11/16/05	Lawson Deposition	\$988.95
11/17/05	Farrell Deposition	\$934.90
11/18/05	DiIenno Deposition	\$714.45
11/21/05	Remig Deposition	\$845.10
11/22/05	Wilson Deposition	\$1,307.00
11/28/05	McKernan Deposition	\$1,023.25
11/30/05	Haughey Deposition	\$1,243.35
12/15/05	Dranginis Deposition	\$809.03
12/21/05	Silver Deposition	\$2,262.10
01/06/06	Olenik Deposition	\$1,176.65
01/10/06	Bell Deposition	\$1,143.60
01/31/06	Mitchell Deposition	\$303.40
03/07/06	Gotzon Deposition	\$937.10
03/08/06	Eichhorn Deposition	\$2,163.60
03/10/06	O'Hara Deposition	\$1,745.65
05/08/06	Video Conversion	\$1,288.50
05/31/06	McKernan Deposition	\$1,259.30
06/19/06	Daily Transcript	\$1,182.50
06/19/06	Sidebar Transcript	\$22.00
06/20/06	Daily Transcript	\$973.50
06/20/06	Sidebar Transcript	\$66.00
06/21/06	Daily Transcript	\$1,144.00
06/21/06	Sidebar Transcript	\$66.00
06/22/06	Daily Transcript	\$880.00
06/22/06	Sidebar Transcript	\$77.00
06/26/06	Daily Transcript	\$693.00
06/27/06	Daily Transcript	\$33.00
Transcript Total		\$42,167.08

Fees and disbursement for printing (See Exhibits C, D)

Date	Service	Cost
11/03/05	Vendor Printing/Demonstratives	\$979.77
11/09/05	Vendor Printing/Demonstratives	\$557.26
12/20/05	Vendor Printing/Demonstratives	\$2,217.36
12/20/05	Vendor Printing/Demonstratives	\$5,299.69
12/21/05	Vendor Printing/Demonstratives	\$419.86
01/20/06	Vendor Printing/Demonstratives	\$506.78
01/25/06	Vendor Printing/Demonstratives	\$346.78
02/13/06	Vendor Printing/Demonstratives	\$172.75
02/14/06	Vendor Printing/Demonstratives	\$344.62
03/28/06	Vendor Printing/Demonstratives	\$94.58
04/12/06	Vendor Printing/Demonstratives	\$1,108.91
04/28/06	Vendor Printing/Demonstratives	\$8,864.82
05/18/06	Vendor Printing/Demonstratives	\$414.38
05/22/06	Vendor Printing/Demonstratives	\$562.11
05/30/06	Vendor Printing/Demonstratives	\$500.83
05/31/06	Vendor Printing/Demonstratives	\$424.96
05/31/06	Vendor Printing/Demonstratives	\$1,046.59
05/31/06	Vendor Printing/Demonstratives	\$7,108.14
06/13/06	Vendor Printing/Demonstratives	\$2,914.03
06/14/06	Vendor Printing/Demonstratives	\$1,318.24
06/15/06	Vendor Printing/Demonstratives	\$422.93
06/19/06	Vendor Printing/Demonstratives	\$1,623.80
06/21/06	Vendor Printing/Demonstratives	\$975.31
06/23/06	Vendor Printing/Demonstratives	\$75,774.34
06/27/06	Vendor Printing/Demonstratives	\$9,662.10
04/30/05	Outside Printing/Binding (Hangle)	\$75.63
06/30/05	Outside Printing/Binding (Hangle)	\$3,062.19
07/28/05	Vendor Printing	\$1,260.37
09/30/05	Outside Printing/Binding (Hangle)	\$1,889.37
Total		\$129,948.50

Fees for witnesses (See Exhibits A, E)

Witness	Fee
Thirty Three USI Customers (see summary)	\$2,711.75
DeMeno	\$62.25
Eichhorn	\$91.18
Farrell	\$62.25
Gallelli	\$62.25
Gotzon	\$91.18
Haughey	\$62.25
Kafer	\$62.25
McGinley	\$62.25
McKernan	\$62.25
Olenik	\$62.25
Remig	\$62.25
Roberts	\$62.25
Sulock	\$62.25
Swanson	\$62.25
USI MidAtlantic	\$62.25
Total	\$3,703.36

Fees for exemplification and copies of papers (See Exhibits D, F)

Date	Service	Amount
12/31/04	Hangley Internal Copying	\$347.60
12/31/04	Hangley Outside Copying	\$5.00
01/31/05	Hangley Internal Copying	\$86.00
02/28/05	Hangley Internal Copying	\$322.20
02/28/05	Hangley Outside Copying	\$4.82
03/31/05	Hangley Internal Copying	\$1,293.20
03/31/05	Hangley Outside Copying	\$1,130.60
04/30/05	Hangley Internal Copying	\$129.60
04/30/05	Hangley Outside Copying	\$580.05
05/31/05	Hangley Internal Copying	\$800.40
06/30/05	Hangley Internal Copying	\$2,455.20
06/30/05	Hangley Outside Copying	\$2,001.06
07/28/05	Hangley Outside Copying	\$1,260.37
07/31/05	Hangley Internal Copying	\$5,536.20
07/31/05	Hangley Outside Copying	\$605.41
08/31/05	Hangley Internal Copying	\$1,455.40
08/31/05	Hangley Outside Copying	\$7,861.10
09/30/05	Hangley Internal Copying	\$925.20
09/30/05	Hangley Outside Copying	\$13,531.67
10/31/05	Hangley Internal Copying	\$516.80
10/31/05	Hangley Outside Copying	\$352.20
12/30/05	Woodcock Internal Copying	\$2,289.50
01/30/06	Woodcock Internal Copying	\$5,821.78
02/21/06	Woodcock Internal Copying	\$13,062.66
03/31/06	Woodcock Internal Copying	\$1,794.12
05/10/06	Woodcock Internal Copying	\$3,980.06
06/30/06	Woodcock Internal Copying	\$4,518.91
06/30/06	Woodcock Internal Copying	\$4,518.91
07/31/06	Woodcock Internal Copying	\$37,955.18
07/31/06	Woodcock Internal Copying	\$15,648.31
07/31/06	P. Perdue—Technology /Demonstratives	\$27,792.00
Total		\$158,581.51

Other costs (reimbursements) (See Exhibit G)

Reimbursement from Defendants' Attorneys for Shared Imaging Expense: **-\$2000.00**

Summary of Taxable Costs	
Fees of the Clerk	\$250.00
Fees for Service of Summons and Subpoena	\$4,612.00
Fees of the Court Reporter	\$42,167.08
Fees and Disbursement for Printing	\$129,948.50
Fees for Witnesses	\$3,703.36
Fees for Exemplification and Copies of Papers	\$158,581.51
Other costs (Reimbursements)	-\$2,000.00
Total	\$337,262.45

Supporting documentation is attached at Exhibits A-G.

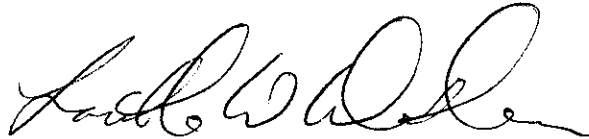
Grand Total Requested:

\$337,262.45

CERTIFICATE OF SERVICE

I, Loretta Weathers, hereby certify that on October 13, 2006, I caused Plaintiff's
Bill of Costs and the accompanying exhibits to be served by hand on the following:

Thomas E. Zemaitis, Esquire
Pepper Hamilton, LLP
3000 Two Logan Square
18th and Arch Streets
Philadelphia, PA 19103-2799

A handwritten signature in black ink, appearing to read "Loretta W. Weathers", written over a horizontal line.

Loretta W. Weathers